

1 THE HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

9 AEGEAN MARINE PETROLEUM S. A.,
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11 Plaintiff,
12 v.
13 M/V KAVO PLATANOS, etc., et al.,
14 and
15 Certain Bunkers on board the M/V KAVO
16 PLATANOS,
17 Defendants *in rem*,
18 and
19 CANPOTEX SHIPPING SERVICES LTD.
20 (CSSL), et al.,
21
22 Defendants and Garnishee.

IN ADMIRALTY

CASE NO.: 2:15-cv-00172-RAJ

[PROPOSED]

STIPULATED ORDER FOR LEAVE OF
COURT TO DEPOSIT FUNDS IN COURT,
PURSUANT TO FED. R. CIV. P. 67, AND
ON DEPOSIT, FOR THE RELEASE OF
THE VESSEL M/V KAVO PLATANOS
AND BUNKERS FROM ARREST AND
ATTACHMENT

23 The parties hereby Stipulate and Agree, by their undersigned counsel, as follows:

24 That an amount of USD 494,013.00 (representing O.W. Bunkers (U.K.) Ltd.'s USD
25 466,050 invoice plus 6%) ("Substitute Security") is sufficient security under Rule E(5)(a)
26 and is hereby substituted for the M/V KAVO PLATANOS (the "Vessel") and the fuel aboard
the Vessel ("Bunkers") for claims by any party for payment of bunkers consisting of 900 MT
of IFO 380 provided to the Vessel on October 22, 2014, in Vancouver, B.C. (the "Vancouver
Bunkers").

That any claims against the Vessel, Bunkers, Canpotex Shipping Services Limited,

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Telephone 206-622-1711

1 Indy Maritime SA, and/or Gourdomichalis Maritime SA by Aegean Marine Petroleum S.A.
2 or by any other potential claimant to the Vessel or Bunkers, including but not limited to,
3 O.W. Bunkers (U.K.) Ltd. for payment for the Vancouver Bunkers are hereby transferred to
4 the Substitute Security, and the Vessel and Bunkers are released from arrest and attachment
5 and the Vessel be free to sail without further restraint or arrest arising from claims for
6 payment for the Vancouver Bunkers upon entry of this order.

7 It is hereby ORDERED that:

8 The Clerk will accept the sum of USD 494,013.00 as substitute security for the vessel
9 M/V KAVO PLATANOS and Bunkers for all claims for payment for the Vancouver
10 Bunkers.

11 The Substitute Security presently is held in the client trust account of the undersigned
12 counsel for Specially Appearing Defendant Canpotex Shipping Services Limited, as former
13 charterer of the Vessel, and will be deposited into the Court Registry within 5 days of this
14 Stipulation and Order.

15 Any entity claiming a potential right to payment for the Vancouver Bunkers must
16 within 30 days of notice of this Stipulation and Order appear in this action and assert a claim
17 pursuant to the Supplemental Rules for Admiralty or Maritime Claims.

18 Upon entry of this Order, the Vessel and Bunkers are released from arrest and
19 attachment, and the United States Marshall for the Western District of Washington is hereby
20 ordered to so release the Vessel and Bunkers from arrest attachment.

21 It shall not be necessary for a Deputy Marshal to proceed to the Vessel for the release
22 of the Vessel and Bunkers. Instead, the release may be communicated and made effective by
23 provision of a copy of this Order, by facsimile or email, to the office of the United States
24 Marshal and to the Substitute Custodian for the Vessel and Bunkers.

25 Aegean Marine Petroleum S.A. and Canpotex Shipping Services Limited are to
26 coordinate service of this Stipulation and Order on all third parties known or believed to have

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1 a claim for payment for the Bunkers. OW Bunkers (U.K.) Ltd. may be served at its last-
2 known address through fax, e-mail, or courier, and service upon PricewaterhouseCoopers
3 LLP, 1 Embankment Place, London WC2N 6RH and Paul Copley as receiver at
4 Paul.Copley@uk.pwc.com.

5 This Stipulation and Order is without prejudice to the right of any party to later to
6 move the Court or otherwise seek to have the arrest and attachment quashed or vacated, the
7 action dismissed or transferred to a different venue, or any other relief.
8

9 **STIPULATED AND AGREED this 20th day of February, 2015:**

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8 *Counsel for Specially Appearing Defendant and Claimant to the Vessel M/V KAVO
PLATANOS, Indy Maritime, S.A.*

9 **ORDER**

10 **IT IS SO ORDERED** this 20th day of February, 2015.

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13 The Honorable Richard A. Jones
14 United States District Judge
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